

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STEPHAN NICHOLAS HOLMES,

Case No. 23-CV-2969 (PJS/DJF)

Plaintiff,

ORDER

v.

MINNESOTA DOC, ET AL.,

Defendants.

The Court has received the December 6, 2024, Report and Recommendation (“R&R”) of United States Magistrate Judge Dulce J. Foster. ECF No. 98. No party has objected to the Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, the Court adopts the R&R.

ORDER

Based on the foregoing, and on all the files, records, and proceedings herein, the Court ADOPTS the R&R [ECF No. 98]. IT IS HEREBY ORDERED THAT:

1. Defendants Centurion, Dr. Jennis Iruke, and Luke DeHaan’s Motion to Dismiss [ECF No. 81] is GRANTED and all claims against them are DISMISSED.
2. Defendants Minnesota, Minnesota Department of Corrections, Joan Wolff,

Paul Schnell, Jesse Pugh, Cheri Short, James Amsterdam, Cassandra Halfacre, Tina Sneen, Emily Melingen, and Kristen Grunewaldt's Motion to Dismiss [ECF No. 74] is GRANTED IN PART AND DENIED IN PART as follows:

- a. The following claims may proceed:
 - i. Deliberate Indifference (inadequate bed): Count I, against Defendant Halfacre in her official capacity (for declaratory and injunctive relief only) and individual capacity;
 - ii. Deliberate Indifference (Lyrica deprivation): Counts IV, VII and VIII, against Defendants Wolff, Grunewaldt and Melingen in their official capacities (for declaratory and injunctive relief only) and individual capacities;
 - iii. Failure to Supervise: Count II – against Defendants Wolff, Grunewaldt, Melingen and Halfacre in their individual capacities;
 - iv. Failure to Supervise: Count IX – against Defendant Wolff in her individual capacity; and
 - v. ADA Title II and RA (inadequate bed and shower chair): Counts X and XI, against Minnesota, the DOC, and Halfacre in her official capacity (for declaratory and injunctive relief only).
- b. All other claims are DISMISSED.

Dated: January 9, 2025

s/Patrick J. Schiltz

Patrick J. Schiltz, Chief Judge
United States District Court